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10/626,347	07/24/2003	Eileen Breslin		9157

7590 11/30/2004  
JASPAN SCHLESINGER HOFFMAN LLP  
300 Garden City Plaza  
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EXAMINER
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AMARI, ALESSANDRO V

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/626,347

Applicant(s)

BRESLIN, EILEEN

Examiner

Alessandro V. Amari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of a selectably adjustable mirror mounted in alignment with said V-shaped mirror assembly on each of the extreme sides of the vehicle as recited in claim 2, lines 5-6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-11 are objected to because of the following informalities:

In regard to claim 1, line 7, the phrase, "said V-shaped mirror assembly" has no previous mention in the claim recitation.

In regard to claim 2, line 5, the term "selectably" is misspelled.

In regard to claim 2, line 9, the phrase "said aligned mirrors" has no previous mention in the claim recitation.

Regarding claim 3, line 2, the phrase, "positioned in ate vehicle" appears to be incorrect.

Regarding claim 8, line 5, the phrase, "a second sight path" is confusing since there is no previous mention of a first sight path.

Claims 3-11 inherit all of the issues cited above.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the recitations of "a selectably adjustable mirror" (line 5), "said mirrors" (line 8) and "said aligned mirrors" (line 9) are ambiguous and confusing. It cannot be determined whether the "selectably adjustable mirror" and "said mirrors" or

"said aligned mirrors" are one and the same or are additional mirrors or are a part of the V-shaped mirror assembly. Claims 3-11 inherit the same issue.

5. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, lines 3-5, the phrases, "an adjustable mirror" (in lines 1-2) "and mirror" (in line 3) and "said mirrors" (in line 5) are ambiguous and confusing. It is uncertain whether the "adjustable mirror" cited in line 2, is the one and the same mirror cited in line 3 or a different mirror. Claims 9-11 inherit the same issue.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dioulo France 2,718,690 in view of Clontz US 3,890,848.

----- In regard to claim 1, Dioulo teaches (see Figures 4-7) a system for enhancing the view of a driver while driving, said vehicle having a longitudinal axis, and a front transverse axis and a rear transverse axis, said system comprising a mirror (28) mounted in each of the extreme sides of the vehicle as shown in Figure 6, said mirrors having sight lines parallel to said front transverse axis, said sight lines extending beyond the side exterior of said vehicle so as to provide sight perspectives between said

aligned mirrors at the sides of the front end of said vehicle and said driver whereby said driver is provided with an enhanced exterior view while driving, capable of viewing the area ahead of and beyond the sides of the vehicle as shown in Figure 7.

Regarding claims 4-6, Dioulo teaches that at least one of the mirrors has an arcuate face, is parabolic and convex as shown in Figure 4 and as described in page 6, lines 11-26.

However, in regard to claim 1, Dioulo does not teach that is selectively adjustable and has a means for selectively adjusting the mirrors. Further, regarding claim 3, Dioulo does not teach that the mirror adjustment means are a remote control positioned in said vehicle.

Regarding claims 1 and 3, Clontz teaches a means for selectively adjusting the mirrors and a remote control positioned in said vehicle as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the means for selectively adjusting the mirrors as taught by Clontz in the mirror system of Dioulo in order to adjust the mirrors for individual drivers.

8. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kentes US 3,252,377 in view of Dioulo France 2,718,690 and further in view of Clontz US 3,890,848.

In regard to claim 2, Kentes teaches (see Figures 1, 2) an optical system for enhancing the view of a driver while driving a vehicle having a longitudinal axis, and a front transverse axis and a rear transverse axis, said system comprising an adjustable

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V-shaped mirror assembly (1) mounted on the front end of the vehicle along the central axis of the vehicle, the apex of said V-shaped mirror assembly being pointed substantially rearwardly along the central axis as shown in Figures 1 and 2. Regarding claim 4, Kentes teaches that at least one of the mirrors at the front end of the vehicle has an arcuate face as described in column 2, lines 45-54. Regarding claim 6, Kentes teaches that the arcuate mirror is convex as described in column 2, lines 45-54.

However, in regard to claim 2, Kentes does not teach a selectably adjustable mirror mounted in alignment with said V-shaped mirror assembly, on each of the extreme sides of said vehicle, said mirrors having sight paths parallel to said front transverse axis or in regard to claim 5, that the mirror is parabolic.

In regard to claim 2, Dioulo teaches a selectably adjustable mirror mounted in alignment with said V-shaped mirror assembly, on each of the extreme sides of said vehicle, said mirrors having sight paths parallel to said front transverse axis as shown in Figure 6 and as described in page 6, lines 11-26. Regarding claim 5, Dioulo teaches that at least one of the mirrors is parabolic as described in page 6, lines 11-26.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the adjustable mirror as taught by Dioulo with the V-shaped mirror system of Hertz in order to improve visibility and field of vision for the driver.

Further in regard to claim 2, Kentes does not teach a means for selectively adjusting the mirrors or in regard to claim 3, a remote control mirror adjustment means.

In further regard to claims 2 and 3, Clontz teaches a means for selectively adjusting the mirrors and a remote control mirror adjustment means as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the means for selectively adjusting the mirrors as taught by Clontz in the mirror system of Kentes in order to adjust the mirrors for individual drivers.

9. Claims 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dioulo France 2,718,690 in view of Clontz US 3,890,848 and further in view of Hanin US 4,435,044.

Regarding claims 7-9 and 11, Dioulo in view of Clontz teaches the invention as set forth above but does not teach the rear view mirror assembly recited and that at least one of said mirrors at rear of vehicle has an arcuate face and is convex.

Regarding claims 7 and 8, Hanin teaches (see Figures 1 and 2) a rear view mirror assembly comprising an adjustable mirror (16) located on the side of said vehicle slightly ahead of said driver having a sight line substantially perpendicular to said longitudinal axis and mirror (20) located at extreme end of said vehicle intersection of said sight path and being selectively adjustable to have a sight path viewing the exterior area of said vehicle, said mirrors having reflective perspectives to said driver whereby said driver can view the exterior of said vehicle perpendicular to said longitudinal axis as described in column 2, lines 47-64 as currently understood by claim recitations.

Regarding claim 9, Hanin teaches that at least one of said mirrors has an arcuate face



as described in column 3, lines 26-29. Regarding claim 11, Hanin teaches that the arcuate mirror is convex as described in column 3, lines 26-29.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the rear view mirror assembly as taught by Hanin with the mirror system of Dioulo in view of Clontz in order to extend the viewing area longitudinally rearwardly so as to improve visibility and field of vision for the driver.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dioulo France 2,718,690 in view of Clontz US 3,890,848 and further in view of Hanin and further in view of Official Notice.

Regarding claim 10, Dioulo in view of Clontz and further in view of Hanin teaches the invention as set forth above but regarding claim 10, does not teach that the arcuate mirror is parabolic. Official Notice is taken that it is notoriously old and well known to utilize parabolic elements in the mirror art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a mirror with a parabolic shape in the mirror assembly Dioulo in view of Clontz and further in view of Hanin in order to further improve visibility and field of vision for the driver.

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11. Claims 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kentes US 3,252,377 in view of Dioulo France 2,718,690 in view of Clontz US 3,890,848 and in further view of Hanin US 4,435,044.

Regarding claims 7-9 and 11, Kentes in view of Dioulo in view of Clontz teaches the invention as set forth above but does not teach the rear view mirror assembly

recited and that at least one of said mirrors at rear of vehicle has an arcuate face and is convex.

Regarding claims 7 and 8, Hanin teaches (see Figures 1 and 2) a rear view mirror assembly comprising an adjustable mirror (16) located on the side of said vehicle slightly ahead of said driver having a sight line substantially perpendicular to said longitudinal axis and mirror (20) located at extreme end of said vehicle intersection of said sight path and being selectively adjustable to have a sight path viewing the exterior area of said vehicle, said mirrors having reflective perspectives to said driver whereby said driver can view the exterior of said vehicle perpendicular to said longitudinal axis as described in column 2, lines 47-64 as currently understood by claim recitations.

Regarding claim 9, Hanin teaches that at least one of said mirrors has an arcuate face as described in column 3, lines 26-29. Regarding claim 11, Hanin teaches that the arcuate mirror is convex as described in column 3, lines 26-29.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the rear view mirror assembly as taught by Hanin with the mirror system of Dioulo in view of Clontz in order to extend the viewing area longitudinally rearwardly so as to improve visibility and field of vision for the driver.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kentes US 3,252,377 in view of Dioulo France 2,718,690 in view of Clontz US 3,890,848 and in further view of Hanin US 4,435,044 and in view of Official Notice.

Regarding claim 10, Kentes in view of Dioulo in view of Clontz and further in view of Hanin teaches the invention as set forth above but regarding claim 10, does not teach

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that the arcuate mirror is parabolic. Official Notice is taken that it is notoriously old and well known to utilize parabolic elements in the mirror art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a mirror with a parabolic shape in the mirror assembly Dioulo in view of Clontz and further in view of Hanin in order to further improve visibility and field of vision for the driver.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hertz US 2,739,509 teaches an optical system for enhancing the view of a driver as shown in Figure 1.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava   
17 November 2004

  
MARK A. ROBINSON  
PRIMARY EXAMINER